

Chapter 3
ANIMALS AND FOWL*

Art. I. In General, §§ 3-1--3-8
Art. II. Animal Control, §§ 3-9--3-16
Art. III and FFA Project Animals, §§ 3-17--3-22

ARTICLE I. IN GENERAL

Sec. 3-1. ~~Permit~~ Registration to keep livestock or fowl-
Required; period.

It shall be unlawful for any person to keep, or cause to be kept, for any purpose whatever, any livestock or fowl (except domestic dogs or cats) within the municipality, except that such livestock and fowl (only 4-H livestock, hens, ducks, pheasants and pigeons) may be kept under the conditions hereinafter set forth provided a ~~permit~~ registration first be obtained as hereinafter provided. Each household shall be limited to no more than an aggregate of ten (10) such fowl. (Ord. of 8-12-97)

Sec. 3-2. ~~Same-Application~~ Registration; proximity to residence.

~~Permits~~ Registration as required to be had as a prerequisite to the keeping of livestock or fowl may be obtained by written ~~application~~ registration and compliance with the sanitary requirements as set forth by the ~~health officer~~ Town, by filing a written ~~application~~ registration with the ~~health officer~~ Town, which ~~application~~ registration shall affirmatively show that the ~~applicant~~ registrant has facilities for keeping such ~~animals or poultry~~ livestock or fowl in quarters meeting the standards set forth by the ~~health officer~~ Town, which will confine said ~~animals or poultry~~ livestock within limits not closer than one

"An Ordinance of Aug. 12, 1997, amended former Ch. 3, Arts. I-III, to read as herein set out. Former Ch. 3 pertained to similar subject matter and derived from the following ordinances:

Date	Section	Date	Section
1- -59	1-9	12- 9-86	
11- 9-71	8, 10	9-12-95	
12-27-83		11-28-95	
10- 8-86			

Cross reference-Removal of dead animals, §§ 8-10, 8-11.

hundred (100) feet to the exterior limits of any dwelling resided in by anyone other than the ~~applicant~~ registrant. ~~Permits will be issued with final approval of the town council~~ Or fowl within limits not closer than fifty (50) feet to the exterior limits of any dwelling resided in by anyone other the registrant. Registration and One-Time Fee of five dollars (\$5.00) must be done and paid at Refugio City Hall at 613 Commerce Street, Refugio, Texas. (Ord. of 8-12-97)

Sec. 3-3. Kennel sanitation requirements; prohibited at large.

(a) *Feeding slab sewer connection:* Before any such permit shall be issued for the keeping of any livestock ~~or fowl~~, a standing and feeding slab, at least ten (10) feet square per each animal, shall be constructed of concrete or other equally impervious material that can be easily cleaned, said slab to be connected with a satisfactory drain to the sanitary sewer system of the municipality when the property line of any lot or parcel of land on which said slab is situated, at any point, extends to within a distance of one hundred (100) feet of a sanitary sewer.

(b) *Confinement; cleanliness of enclosure:* Every keeper of any said animals or ~~poorly~~ fowl shall confine the same in an enclosure their running at large; and it shall be unlawful for any such person to allow any such animal or ~~poorly~~ fowl to run at large. Such enclosure shall be maintained in a clean and sanitary condition at all times.

(c) *Waste disposal:* Every keeper of any of said animals or ~~poorly~~ fowl shall cause the litter and droppings therefrom to be collected daily in a container or receptacle of such a type that when closed it is watertight, ratproof and flytight and after each such collection shall cause such container to be kept closed. At least once each week, each such keeper shall cause all litter and droppings so collected to be disposed of in such a way as not to permit fly breeding.

(d) *Storage of feed:* Every keeper of any of said animals or ~~poorly~~ fowl shall cause all feed provided therefor to be stored and kept in a ratproof, flytight building, container, or receptacle. (Ord. of 8-12-97)

Sec. 3-4. Same--Inspection of premises.

All premises shall be subject to inspection ~~by the health officer or his agent~~ at any reasonable hour of the day.

Sec. 3-5. Same-Violation; denial of ~~poultry~~ registration.

The failure of any keeper of any of said animals or ~~poultry~~ **fowl** to comply with the provisions of this article or the sanitation standards and requirements established by the health officer shall be cause for the health officer to refuse to grant a ~~poultry~~ **refusal of registration** for the keeping of such animals or ~~poultry~~ **fowl**, or, if the ~~poultry~~ **registration** shall have been previously granted to such keeper, shall be cause for the revocation of same; all of which shall be in addition to any prosecution as for any other violation of this Code.
(Ord. of 8-12-97)

Sec. 3-6. Keeping of swine.

Swine may be kept within the municipality only for the following purposes and only for a period not to exceed forty-eight (48) hours: Exhibition at stock shows, fairs, circuses, carnivals, slaughtering establishments or when being offered for sale at a stockyard or auction barn. The owners or managers of stock shows, fairs, circuses and carnivals, shall post a cash bond of two hundred dollars (\$200.00) with the town secretary to guarantee the removal of all animal wastes and compliance with this article.
(Ord. of 8-12-97)

Sec. 3-7. Keeping wild animals.

No wild animal shall be kept within the municipality except under such conditions as shall be fixed by or under the authority of the governing body; provided, however, wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulation as shall be established by or under the authority of the governing body.
(Ord. of 8-12-97)

Sec. 3-8. Confinement of fierce, dangerous, or vicious animals.

The animal owner, keeper or harbinger of every fierce, dangerous or vicious animal shall confine such animal within a building or secure enclosure and shall not take such animal out of such

building or secure enclosure unless such animal is securely muzzled, or otherwise securely bound so that it cannot attack or injure any person or other animal.
(Ord. of 8-12-97)

ARTICLE II. ANIMAL CONTROL

Sec. 3-9. Definitions.

As used in this article the following terms mean:

Animal: For the purpose of this article, shall mean dog or cat.

Animal control officer: The person or persons designated to enforce this article.

Animal establishment: Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.

Animal shelter: Facility designated or recognized by the Town of Refugio for the purpose of impounding and caring for animals.

At large: A dog or cat or fowl shall be deemed to be at large when off the property of the owner and not under restraint.

Fowl: Hens, ducks, pheasants, and pigeons.

Humane manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel: An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or fowl or engaged in training dogs or cats. (Also see section 3-3.)

Licensing authority: The agency or department of the Town of Refugio or any designated representative thereof charged with administering the issuance and/or revocation of permits and

licenses under the provisions of this section.

Livestock: 4H Animals kept or raised for pleasure, use or profit, also animals found on a farm (except domestic dogs and cats).

Neutered: A male dog or cat or fowl rendered permanently incapable of reproduction.

Nuisance: A dog or cat or fowl shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise-making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner: A person having the right of property or custody of a dog or cat or fowl or who keeps or harbors a dog or cat or fowl or knowingly permits a dog or cat or fowl to remain on or about any premises occupied by that person.

Pet shop: An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.

Restraint: A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Spayed: A female dog or cat rendered permanently incapable of reproduction.

Stray animal: A dog or cat or fowl that has strayed away and lost itself; a wandering dog or cat or fowl which no one seeks, follows or claims.

Vicious animal: A dog or cat that constitutes a physical threat to humans or other domestic animals.
(Ord. of 8-12-97)

Sec. 3-10. Licensing and rabies vaccination.

(a) Except as provided in section 3-11, no person shall own, keep, or harbor any dog or cat over three (3) months of age within the Town of Refugio unless such dog or cat is vaccinated and licensed, and each household shall be limited to no more

than an aggregate of five (5) such animals.

(b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian.

(c) A certificate of vaccination shall be issued to the owner of each animal vaccinated. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(d) Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the Town of Refugio for no longer than sixty (60) days.

Written application for a dog or cat license shall be made to the town secretary and shall include the name and address of the owner and the name, breed, color, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

(e) The licensing period shall be for one (1) year. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence.

(f) A license shall be issued after payment of a fee of five dollars (\$5.00) for each unneutered or unsplayed dog or cat; and two dollars fifty cents (\$2.50) for each neutered or spayed dog or cat.

(g) License fees shall be waived for ~~dogs serving the public or~~ ~~xxx~~ **service dogs** or government owned dogs used for law enforcement. All other licensing provisions shall apply.

(h) Upon acceptance of the license application and fee, the town secretary shall issue a durable license tag including an identifying number and city of issuance. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. It shall be unlawful for any persons to willfully and without legal authority, take from any dog or cat, a collar, harness or tag. The town secretary shall maintain a record of all licenses issued which contains year and date of issuance, and such records shall be available to the animal control officer.

(i) The provisions for wearing a collar with tags shall not apply to cats, but the owners of cats shall have in their possession a current city registration and rabies vaccination certificate to be exhibited on demand to authorized city officials or any police officer. The owner of a cat may tattoo the city registration number on an ear of the cat and the animal control officer shall check for the number on any cat that is impounded and, if found, use reasonable care to notify the owner of the cat. If the tattoo is made, the owner, upon request, may reserve the same city registration number from year to year.
 (Ord. of 8-12-97; Ord. of 8-26-14, § 1)

Sec. 3-11. Permits for animal establishments.

(a) No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

(b) The permit period shall begin with the first day of the fiscal year and shall run for one (1) year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Applications for a permit to establish a new breeding animal establishment under the provisions of this article may be made at any time.

(c) Annual permits shall be issued upon payment of the applicable fee:

(1) For each kennel authorized to house less than six (6) dogs or cats	\$ 25.00
(2) For each kennel authorized to house six (6) but not more than twenty (20) dogs or cats	50.00
(3) For each pet shop	100.00
(4) For each unwanted pet or requested euthanasia, each.	15.00
Or, per litter.	25.00

(d) A person who maintains a kennel of six (6) or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under section 3-10. Every facility regulated by this article shall be considered a separate enterprise, requiring an individual permit.

(e) Under the provisions of this article, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the town secretary within sixty (60) days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

(f) Failure to comply with the provisions of this section shall be a misdemeanor and subject to a fine not to exceed two hundred dollars (\$200.00).

(g) It shall be a condition of issuance of any permit for an animal establishment that the town ~~health officer~~ **representative** shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours.
(Ord. of 8-12-97; Ord. of 9-14-04)

Sec. 3-12. Owner responsibility.

(a) All dogs and cats **and fowl** shall be kept under restraint.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinarian hospital or boarding kennel in such manner that such female dog or cat cannot come in contact with another animal except for supervised and controlled breeding purposes.

(c) No dog or cat **or fowl** shall be allowed to cause a nuisance. The owner of every dog or cat **or fowl** shall be held responsible for every behavior of such dog or cat **or fowl** under the provisions of this article.

(d) For the first offense of failure to comply with the provisions of this section, it shall be a misdemeanor and subject to a minimum fine of fifty dollars (\$50.00); for the second offense, a minimum fine of seventy-five dollars (\$75.00); for a third or subsequent offense a fine not less than one hundred dollars (\$100.00) nor more than the maximum fine under section 1-6 of this Code.

(Ord. of 8-12-97; Ord. of 10-22-13, § 2)

(f) animal may be disposed of after due notice to the owner or

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keeper given at least seventy-two (72) hours in advance of such disposition. Such animal may be released from confinement only upon written approval of the veterinarian. The release of any animal confined for this or any other reason shall be contingent upon the vaccination of the animal at the expense of the owner or keeper.

(Ord. of 8-12-97)

Sec. 3-14. Redemption.

(a) Any animal or fowl impounded may be redeemed by the owner upon payment of an impoundment fee of fifteen dollars (\$15.00). Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.

(b) In addition to the impoundment fees, five dollars (\$5.00) per day for food shall be charged in the event of impoundment.

(c) No animal required to be licensed or vaccinated under this article may be redeemed until provisions for such licensing have been fulfilled.

(Ord. of 8-12-97; Ord. of 9-14-04)

Sec. 3-15. Adoption of animal.

The adoption fee will be twenty dollars (\$20.00) plus the cost of vaccination fees, licensing fees and veterinary costs and shall be assessed at time of adoption. No dog or cat shall be released for adoption as a pet without it being recommended by the town that the pet be spayed or neutered.

(Ord. of 8-12-97; Ord. of 9-14-04; Ord. of 6-28-05)

Sec. 3-16. Animal control officer.

There is hereby created the position of animal control officer, to be employed by the council. The animal control officer is hereby authorized, and empowered by the council to perform all duties necessary to enforce and uphold the terms of this article, specifically including but, not limited to, the issuance of citations and the filing of complaints for violations of this article.

The animal control officer shall be governed by the terms of the personnel ordinances of the Town of Refugio as well as particular job specifications provided in writing upon employment. ~~The Town may also contract with another entity for this service.~~
(Ord. of 8-12-97)

ARTICLE III. 4-H AND FFA PROJECT ANIMALS

Sec. 3-17. 4-H and FFA Animals.

It shall be unlawful for any person to keep, or cause to be kept, for purposes of a 4-H or FFA project, any sheep, goats, or ~~other~~ ^{turkeys, rabbits, (1-26-21)} fowl ~~not listed in section 3-1~~ within the municipality, except that such livestock and fowl may be kept under the conditions hereinafter set forth provided a project permit to be first obtained as hereinafter provided. Each such project permit, unless sooner revoked, shall be valid and effective for eight (8) months from the date of issuance, except that regardless of the issuance date, said project permit shall terminate on the fifteenth day following the Refugio County Fair of each calendar year.
(Ord. of 8-12-97)

Sec. 3-18. Same—~~Application~~ **Registration.**

~~Registration~~ **Registration** as required to be had as a prerequisite to the keeping of livestock or fowl under this article may be obtained by written ~~application~~ **registration** to the town secretary, containing a written statement from the Refugio County Agricultural Agent that the ~~applicant~~ **registrant** is a member of either a 4-H or FFA organization, and has complied with sanitary requirements ~~as set forth by the health officer~~ as follows:

- (1) Submit name of project.
- (2) Submit address.
- (3) Submit location of animals.
- (4) Submit name **and statement** of Ag agent.
- (5) Submit name of parent or guardian.
- (6) Submit number of animals.

(Ord. of 8-12-97)

Sec. 3-19. Same—Inspection of premises.

All premises for which a project permit is obtained shall be subject to inspection ~~by the animal control officer~~ at any reasonable hour of the day. It shall be unlawful for any ~~holder~~ ~~registrant~~ to keep or maintain the premises housing any such ~~registered~~ ~~registered~~ animal in a manner contrary to the sanitary requirements as set forth by the ~~town~~ ~~and/or~~ animal control officer.
(Ord. of 8-12-97)

Sec. 3-20. Same—~~Permits~~ Registration personal to applicant.

All ~~permits~~ ~~registrations~~ provided for in this article shall be deemed the personal ~~registrant~~ ~~registration~~ of the applicant and shall not be transferable. It shall be unlawful for any holder of a ~~registrant~~ ~~registration~~ to allow any other person to use his ~~registrant~~ ~~registration~~.
(Ord. of 8-12-97)

Sec. 3-21. Same—Complaints; violation; denial of permit registration.

Complaints under this article shall be filed with the police department and investigated by the animal control officer. If the animal control officer finds the complaint justifiable, the ~~registrant~~ ~~registration~~ holder shall be cited and given three (3) days to resolve or rectify the basis of the complaint. If a second complaint is filed for the same violation and is found by the animal control officer to have merit, the ~~registrant~~ ~~holder~~ ~~registrant~~ shall be required to remove all such ~~registered~~ animals from the municipality. If the second complaint is for a different violation, the ~~registrant~~ ~~holder~~ ~~registrant~~ shall be cited and given three (3) days to resolve or rectify the basis of the complaint. If a third complaint is filed for any violation, the ~~registrant~~ ~~holder~~ ~~registrant~~ shall be cited, and required to remove all such ~~registered~~ ~~registered~~ animals from the municipality.

Regardless of the filing of a complaint as set forth above, the failure of any keeper of any of said livestock or fowl under this

such keeper, shall be cause for the revocation of same; all of which shall be in addition to any prosecution as for any other violation of this Code.

Sec. 3-22. Same—Penalty.

In addition to the remedies set forth in section 3-21 hereinabove, any person found guilty of a violation of this article shall be subject to a fine not to exceed the maximum fine under section 1-6 of this Code.
(Ord. of 8-12-97; Ord. of 10-22-13, § 2)